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10 *Attorneys for Claimant*
TAREK OBAID

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13 **IN THE UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 CERTAIN RIGHTS TO AND
INTERESTS IN SHARES OF SERIES
20 D PREFERRED STOCK IN
PALANTIR TECHNOLOGIES,

21 Defendant.

Case No.: 2:17-cv-04446-DSF-PLA
Hon. Dale S. Fischer

**CLAIMANT TAREK OBAID'S
EX PARTE APPLICATION FOR
EXTENSION OF TIME *NUNC PRO TUNC*
TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT AND FOR
MODIFICATION OF PAGE
LIMITATIONS**

22 Complaint Served: 7/18/2017

23 Current Response Date: 10/11/2017

24 New Response Date: 10/18/2017

1 (Additional Counsel of Record)

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CLAIMANT TAREK OBAID'S *EX PARTE* APPLICATION FOR EXTENSION OF TIME *NUNC PRO TUNC*
TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT AND FOR MODIFICATION OF PAGE
LIMITATIONS

1 **EX PARTE APPLICATION FOR EXTENSION OF TIME *NUNC PRO TUNC***
 2 **TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT AND FOR**
 3 **MODIFICATION OF PAGE LIMITATIONS**

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 5 TO THE HONORABLE DALE S. FISCHER, UNITED STATES DISTRICT
 6 JUDGE, AND TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

7 Claimant Tarek Obaid (“Claimant”), by and through his attorneys of record,
 8 respectfully submits this *ex parte* application pursuant to Local Rules 7-19, 8-3,
 9 and 11-6 for an extension of time *nunc pro tunc* to answer or otherwise respond to
 10 the government’s 248-page, 958-paragraph complaint allowing him until
 11 Wednesday, October 18, 2017 to file a single consolidated motion to dismiss. In
 12 addition, Claimant respectfully requests leave to file a thirty-five page
 13 memorandum of points and authorities in support of his consolidated motion. In
 14 support of this application, Claimant represents as follows:

15 1. The government commenced this *in rem* forfeiture action by
 16 complaint filed on June 15, 2017 and it is one of more than thirty similar actions.

17 2. The allegations in the complaint span a period of five years and
 18 involve numerous “phases,” financial transactions, individuals and properties.

19 3. On October 11, 2017, Claimant, in good faith, timely filed separate
 20 motions: (i) to dismiss pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3); (ii) to
 21 strike portions of the complaint pursuant to Fed. R. Civ. P. 12(f); and (iii) to
 22 dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

23 4. On October 12, 2017, the Court ordered that these documents be
 24 stricken and that Claimant file a single motion.

25 5. Claimant requires an extension of time to prepare and formulate a
 26 comprehensive consolidated response to the 248-page complaint filed by the
 27 government. In addition, given the myriad issues to be addressed in the anticipated
 28 consolidated motion, including lack of jurisdiction and venue and failure to state a

1 claim for relief, Claimant respectfully requests permission to file a consolidated
2 memorandum of points and authorities in excess of the twenty-five page limit set
3 by Local Rule 11-6 and this Court's Standing Order by ten pages, for a total of
4 thirty-five pages.

5 6. Claimant submits that good cause exists for the relief requested
herein.

7 a. First, as noted above, the complaint is voluminous, including
8 numerous allegations that have no relation to this defendant
9 property. Additional time and pages are required to formulate a
10 comprehensive response to the wide-ranging complaint.

11 b. Second, the issues in this proceeding are complex. For instance,
12 as the Court has previously noted, there are serious questions
13 about jurisdiction and the propriety of venue in the Central
14 District of California. *See, e.g. United States v. All Right to and*
15 *Interest Held or Secured by the Real Property Located in New*
16 *York, New York Known as the Park Lane Hotel*, 16-cv-5370
17 DSF (PLAx), ECF No. 129 (Feb. 21, 2017) (describing the
18 government's arguments with respect to jurisdiction and venue
19 as "not as clear as the government would like to suggest");
20 *United States v. One Pen and Ink Drawing by Vincent Van*
21 *Gogh*, 16-cv-5366 DSF (PLAx), ECF No. 66 (Sept. 27, 2017)
22 (denying entry of default judgment because "in granting default
23 judgment, the Court would have to implicitly or explicitly make
24 a finding that it have jurisdiction and that the complaint states a
25 claim for forfeiture" and noting the benefit to be gained by
26 hearing from the opposition). Given the importance of such
27 threshold issues, Claimant submits that the parties and the

Court will benefit from comprehensive analysis of these issues, thoroughly briefed by the parties.

- c. Finally, counsel for Claimant has conferred in good faith with counsel for the government pursuant to L. R. 7-3. Following a lengthy, in-person conference, the government declined to modify or amend its complaint or consent to striking any portion thereof. Consequently, the necessity of moving to strike and/or dismiss in light of the deficiencies in the complaint is unavoidable.

10 7. Counsel for Claimant has conferred with counsel for the government.
11 Counsel does not oppose Claimant's request for an extension of time, but takes no
12 position on Claimant's request for modification of the page limitation.

13 8. This is the third request for an extension of time, the prior requests
14 having been made by stipulation of the parties.

15 9. Counsel for the government are being informed by e-mail that any
16 opposition is due within 24 hours of service.

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BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

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CONCLUSION

For the foregoing reasons, Claimant respectfully submits that good cause exists for an extension of time *nunc pro tunc* until Wednesday, October 18, 2017 to respond to the complaint and for a modification of the page limitations to allow for briefing of up to thirty-five pages.

BAKER & HOSTETLER LLP

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CLAIMANT TAREK OBAID'S *EX PARTE* APPLICATION FOR EXTENSION OF TIME *NUNC PRO TUNC*
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *CLAIMANT TAREK OBAID'S EX PARTE APPLICATION FOR EXTENSION OF TIME NUNC PRO TUNC TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT AND FOR MODIFICATION OF PAGE LIMITATIONS* was electronically filed on October 12, 2017, with the Clerk of the Court using the CM/ECF system thereby sending a notice of electronic filing to all counsel of record. In addition, I hereby certify that a true and correct copy of the foregoing was served by e-mail on John Kucera, Jonathan Galatzan, Woo S. Lee, and Barbara Y. Levy.

By: /s/ David B. Rivkin, Jr.
DAVID B. RIVKIN, JR.

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